

**UNITED STATES DISTRICT COURT  
OF THE DISTRICT OF OREGON  
PORTLAND DIVISION**

DONALD S. MORRIS, III, as Personal Representative for the Estate of DONALD S. MORRIS, JR.,

Case No. 20-478

Plaintiff,

V.

## KAISER GYPSUM COMPANY, INC.,

Defendant.

**DECLARATION OF DIANE BABBITT  
IN SUPPORT OF KAISER GYPSUM  
COMPANY, INC.'S NOTICE OF  
REMOVAL**

(28 U.S.C. §1332, 28 U.S.C. §1441(b) and  
§1446(a))

I, Diane Babbitt, hereby declare:

1. I am an attorney with Foley & Mansfield, PLLP, counsel of record for Defendant Kaiser Gypsum Company, Inc. I have personal knowledge of the matters contained herein and am competent to testify hereto.

2. Kaiser Gypsum Company, Inc. is incorporated in North Carolina and its principal place of business is in Irving, Texas

3. Attached hereto as **Exhibit A** is a true and accurate copy of the underlying Plaintiff's Complaint filed in Multnomah County Circuit Court.

4. Attached hereto as **Exhibit B** is a true and accurate copy of the Declaration of

Service of the Summons and Complaint for Damages in the underlying matter.

5. Below is an index of all of the pleadings filed in Multnomah County Circuit Court as of March 19, 2020. True and accurate copies of these pleadings are being provided to the Court.

Date	Title	Detail	Note
02/07/2020	Complaint		
02/07/2020	Summons		
02/14/2020	Affidavit/Declaration of Mailing		
02/14/2020	Proof of Service		
02/14/2020	Affidavit/Declaration of Mailing		
02/14/2020	Proof of Service		
02/26/2020	Affidavit/Declaration of Mailing		
02/26/2020	Proof of Service		
02/26/2020	Summons		

The foregoing statements are made under penalty of perjury under the laws of the United States of America and the State of Oregon and is true and correct.

DATED this 23rd day of March, 2020 at Seattle, Washington.

**FOLEY & MANSFIELD, PLLP**

BY:

Diane C. Babbitt, OR Bar #112915  
J. Scott Wood, OSB #117151  
Attorneys for Defendant Kaiser Gypsum  
Company, Inc.

**CERTIFICATE OF SERVICE**

I, Laura McKeon, declare that I am employed by the law firm of Foley & Mansfield, PLLP, 999 Third Avenue, Suite 3760, Seattle, King County, Washington; that I am over 18 years of age and not a party to this action.

[ X ] **(By E-Service)** I hereby certify that on this date I electronically filed the foregoing document with the U.S. District Court of Oregon, Portland Division using the CM/ECF system which will send notification to all parties of record; and

[ X ] **(By E-mail)** I caused the foregoing to be delivered via e-mail to firms and persons whose email addresses are listed next to the name of the party represented as listed below:

<p><b><u>Counsel for Plaintiff</u></b></p> <p>Kaitlin T. Wright          SCHROETER, GOLDMARK &amp; BENDER          500 Central Building, 810 Third Avenue          Seattle, WA 98104  <a href="mailto:wright@sgb-law.com">wright@sgb-law.com</a>  <a href="mailto:sgbasbestos@sgb-law.com">sgbasbestos@sgb-law.com</a></p>	
--	--

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed this 23<sup>rd</sup> day of March, 2020 in Seattle, Washington.



Laura McKeon, Legal Assistant

# **EXHIBIT A**

1  
2  
3  
**IN THE CURCUIT COURT OF THE STATE OF OREGON**  
**FOR MULTNOMAH COUNTY**  
4  
5

6 DONALD S. MORRIS, III, as Personal  
7 Representative for the Estate of DONALD S.  
MORRIS, JR.,

8 Plaintiff,  
9  
vs.

10 KAISER GYPSUM COMPANY, INC.,  
11  
Defendant.

CASE No.

COMPLAINT FOR DAMAGES

(Product Liability; Negligence)

DEMAND FOR JURY TRIAL

PRAAYER AMOUNT: \$9,500,000.00

CLAIM NOT SUBJECT TO  
MANDATORY ARBITRATION

ORS 21.160(1)(d)

15 COMES NOW Plaintiff, DONALD S. MORRIS, III, as Personal Representative  
16 for the Estate of DONALD S. MORRIS, JR., by and through his attorney, Kaitlin T.  
17 Wright of Schroeter Goldmark & Bender, and for their complaint against Defendant,  
18 alleges as follows:

19  
20 I. **PARTIES**

21 1.1 Plaintiff, DONALD S. MORRIS, III, Personal Representative for the  
22 Estate of DONALD S. MORRIS, JR., resides in Gladstone, Oregon. DONALD S.  
23  
24

25 COMPLAINT FOR DAMAGES - 1

SCHROETER, GOLDMARK & BENDER  
500 Central Building • 810 Third Avenue • Seattle, WA 98104  
Phone (206) 622-8000 • Fax (206) 682-2305

1 MORRIS, JR., at all times material to this action, was a resident of the State of Oregon. At  
 2 the time of his death, DONALD S. MORRIS, JR. resided in Salem, Oregon.  
 3

4       1.2     Defendant KAISER GYPSUM COMPANY, INC. is a North Carolina  
 5 Corporation that, at all times relevant herein, was engaged in the manufacture and sale of  
 6 asbestos-containing products, including, but not limited to, joint compound and drywall  
 7 products, which it intentionally placed into the stream of commerce in the state of Oregon.

8       1.3     Jurisdiction and venue is proper pursuant to ORS 14.040 and ORS 14.080.

9                   II.     JURISDICTION AND VENUE

10      2.1     This Court has jurisdiction in this action because, at all material times,  
 11 Defendant conducted regular and sustained business in Oregon out of which the claims for  
 12 relief asserted herein arose, and/or Defendant may be served by process in Oregon. By  
 13 registering to do business in Oregon and by doing business in Oregon or in selling  
 14 products in Oregon, Defendant has consented to *in personam* jurisdiction in Oregon for  
 15 claims such as this arising out of its Oregon contacts, and the exercise of jurisdiction  
 16 herein arises out of asbestos exposure that occurred primarily in Oregon. At all material  
 17 times, the Defendant has been regularly engaged in the business of manufacturing,  
 18 designing, processing, marketing, distributing, using, installing, applying, rebranding for  
 19 sale, and/or selling products containing asbestos fiber, which were used at the locations  
 20 where decedent DONALD MORRIS JR. worked or lived in Oregon.  
 21  
 22

1           2.2     Venue in this Court is proper because, at all material times, Defendant  
2 conducted regular and sustained business activities in Multnomah County, Oregon, and a  
3 substantial portion of the actions and omissions alleged herein occurred in Multnomah  
4 County, Oregon.

6           **III. FIRST CLAIM FOR RELIEF – STRICT LIABILITY**

7           3.1     From 1969 through 1976, decedent DONALD S. MORRIS, JR. performed  
8 construction and remodel projects at numerous sites throughout Oregon.

9           3.2     As a result of his exposure to Defendant's asbestos-containing products,  
10 DONALD S. MORRIS, JR. developed mesothelioma, which was diagnosed in July 2015.

12           3.3     On March 13, 2016, DONALD S. MORRIS, JR. died of mesothelioma.

13           3.4     Defendant's sale or manufacture of asbestos-containing products was  
14 unreasonably dangerous and defective in the following particulars:

- 15           (a)     The asbestos-containing drywall products manufactured or sold by the  
16                 Defendant caused cancer when inhaled;
- 17           (b)     Defendant's asbestos-containing products released asbestos fibers into the  
18                 breathing zone of individuals working with or near the product, particularly  
19                 during routine and anticipated use of the product; and
- 20           (c)     Defendant did not provide sufficient warnings and/or instructions of the  
21                 harm caused by exposure to Defendant's asbestos-containing products or  
22                 adequately notify the public of its products' dangerous propensities.

1  
2       **IV. SECOND CLAIM FOR RELIEF – NEGLIGENCE**  
3

4       For his second claim for relief, Plaintiff alleges:  
5

6       4.1      By incorporation paragraphs 1.1 through 3.4 herein;  
7

8       4.2      Defendant was negligent in one or more of the following particulars which  
9       were causes of injury to DONALD S. MORRIS, JR.:  
10

11       (a)     In manufacturing, designing, processing, marketing, distributing, applying  
12           and/or selling products containing asbestos fiber when Defendant knew, or  
13           should have known, that asbestos fibers cause grave health consequences,  
14           including mesothelioma;  
15

16       (b)     In failing to conduct adequate testing to determine the level of airborne  
17           asbestos fibers emitted by Defendant's products that it was reasonably  
18           foreseeable that individuals such as DONALD S. MORRIS, JR. would be  
19           exposed to in the work or home environment; and  
20

21       (c)     In failing to provide adequate warnings about the dangers associated with  
22           the use of asbestos products, and in failing to advise individuals about how  
23           and when to utilize proper respiratory protection.  
24

25       **V. DAMAGES**

26       5.1     DONALD S. MORRIS, JR. suffered permanent pain, discomfort, fear,  
27           interference with his daily activities and enjoyment of life, including mental pain and  
28

1 suffering, and death resulting in non-economic damages in the amount of no less than  
2 \$7,000,000.00.  
3

4       5.2 Plaintiff DONALD S. MORRIS, III suffered the loss of companionship,  
5 services, and consortium of his father in the amount of no less than \$2,000,000.  
6

7       5.3 DONALD S. MORRIS, JR. incurred medical expenses in the amount of no  
8 less than \$500,000.00.  
9

10      5.4 Pursuant to ORS 31.725(2), Plaintiff does not request an award of punitive  
11 damages at this time, but Plaintiff reserves the right to seek leave to amend his complaint  
12 to request punitive damages in the future pursuant to Oregon law. Plaintiff anticipates that  
13 punitive damages claims will be asserted against the Defendant and may seek leave to  
14 amend the complaint in this matter to assert those claims at an appropriate time prior to  
trial.  
15

## VI. PRAYER FOR RELIEF

16      WHEREFORE, Plaintiff respectfully requests judgment against Defendant in an  
17 amount to be proven at the time of trial, together with Plaintiff's costs and disbursements  
18 incurred herein, and:  
19

- 20       (a) For DONALD S. MORRIS, JR.'s pain, suffering, interference with his  
21 enjoyment of life, disability, and death in the amount of no less than  
22 \$7,000,000;  
23  
24

- (b) For Plaintiff's loss of companionship, services, and consortium during the lifetime of decedent in the amount of no less than \$2,000,000;
  - (c) For DONALD S. MORRIS, JR.'s past medical expenses in the amount of \$500,000 or as amended prior to trial;
  - (d) Plaintiff's attorney fees; and
  - (d) For such other relief and further relief as the Court may deem just and equitable, including but not limited to prejudgment interest.

DATED this 6<sup>th</sup> day of February, 2020

Schroeter Goldmark & Bender

Kaitlin T. Wright, OSB #191259  
SCHROETER, GOLDMARK & BENDER  
500 Central Building, 810 Third Avenue  
Seattle, WA 98104  
Phone (206) 622-8000  
Fax (206) 682-2305  
Email: [wright@sgb-law.com](mailto:wright@sgb-law.com)  
[sgbasbestos@sgb-law.com](mailto:sgbasbestos@sgb-law.com)  
Attorney for Plaintiff

**COMPLAINT FOR DAMAGES - 6**

**SCHROETER, GOLDMARK & BENDER**  
500 Central Building • 810 Third Avenue • Seattle, WA 98104  
Phone (206) 622-8000 • Fax (206) 682-2305

## **EXHIBIT B**

## All Pleadings Filed in Multnomah County

1  
2  
3  
**IN THE CURCUIT COURT OF THE STATE OF OREGON  
4 FOR MULTNOMAH COUNTY**

5  
6 DONALD S. MORRIS, III, as Personal  
7 Representative for the Estate of DONALD S.  
8 MORRIS, JR.,

9 Plaintiff,

10 vs.

11 KAISER GYPSUM COMPANY, INC.,

12 Defendant.

CASE No.

COMPLAINT FOR DAMAGES

(Product Liability; Negligence)

DEMAND FOR JURY TRIAL

PRAYER AMOUNT: \$9,500,000.00

CLAIM NOT SUBJECT TO  
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ORS 21.160(1)(d)

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16 for the Estate of DONALD S. MORRIS, JR., by and through his attorney, Kaitlin T.  
17 Wright of Schroeter Goldmark & Bender, and for their complaint against Defendant,  
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22 Estate of DONALD S. MORRIS, JR., resides in Gladstone, Oregon. DONALD S.

1 MORRIS, JR., at all times material to this action, was a resident of the State of Oregon. At  
2 the time of his death, DONALD S. MORRIS, JR. resided in Salem, Oregon.  
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4       1.2     Defendant KAISER GYPSUM COMPANY, INC. is a North Carolina  
5 Corporation that, at all times relevant herein, was engaged in the manufacture and sale of  
6 asbestos-containing products, including, but not limited to, joint compound and drywall  
7 products, which it intentionally placed into the stream of commerce in the state of Oregon.

8       1.3     Jurisdiction and venue is proper pursuant to ORS 14.040 and ORS 14.080.

9                   **II.       JURISDICTION AND VENUE**

10      2.1     This Court has jurisdiction in this action because, at all material times,  
11 Defendant conducted regular and sustained business in Oregon out of which the claims for  
12 relief asserted herein arose, and/or Defendant may be served by process in Oregon. By  
13 registering to do business in Oregon and by doing business in Oregon or in selling  
14 products in Oregon, Defendant has consented to *in personam* jurisdiction in Oregon for  
15 claims such as this arising out of its Oregon contacts, and the exercise of jurisdiction  
16 herein arises out of asbestos exposure that occurred primarily in Oregon. At all material  
17 times, the Defendant has been regularly engaged in the business of manufacturing,  
18 designing, processing, marketing, distributing, using, installing, applying, rebranding for  
19 sale, and/or selling products containing asbestos fiber, which were used at the locations  
20 where decedent DONALD MORRIS JR. worked or lived in Oregon.  
21  
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1           2.2     Venue in this Court is proper because, at all material times, Defendant  
2 conducted regular and sustained business activities in Multnomah County, Oregon, and a  
3 substantial portion of the actions and omissions alleged herein occurred in Multnomah  
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9           3.2     As a result of his exposure to Defendant's asbestos-containing products,  
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- 15           (a)     The asbestos-containing drywall products manufactured or sold by the  
16                   Defendant caused cancer when inhaled;
- 17           (b)     Defendant's asbestos-containing products released asbestos fibers into the  
18                   breathing zone of individuals working with or near the product, particularly  
19                   during routine and anticipated use of the product; and
- 20           (c)     Defendant did not provide sufficient warnings and/or instructions of the  
21                   harm caused by exposure to Defendant's asbestos-containing products or  
22                   adequately notify the public of its products' dangerous propensities.

1  
2       **IV.     SECOND CLAIM FOR RELIEF – NEGLIGENCE**

3       For his second claim for relief, Plaintiff alleges:

- 4       4.1      By incorporation paragraphs 1.1 through 3.4 herein;
- 5       4.2      Defendant was negligent in one or more of the following particulars which  
6       were causes of injury to DONALD S. MORRIS, JR.:
- 7       (a)     In manufacturing, designing, processing, marketing, distributing, applying  
8           and/or selling products containing asbestos fiber when Defendant knew, or  
9           should have known, that asbestos fibers cause grave health consequences,  
10          including mesothelioma;
- 11       (b)     In failing to conduct adequate testing to determine the level of airborne  
12          asbestos fibers emitted by Defendant's products that it was reasonably  
13          foreseeable that individuals such as DONALD S. MORRIS, JR. would be  
14          exposed to in the work or home environment; and
- 15       (c)     In failing to provide adequate warnings about the dangers associated with  
16          the use of asbestos products, and in failing to advise individuals about how  
17          and when to utilize property respiratory protection.

18  
19       **V.     DAMAGES**

20  
21       5.1     DONALD S. MORRIS, JR. suffered permanent pain, discomfort, fear,  
22       interference with his daily activities and enjoyment of life, including mental pain and

1 suffering, and death resulting in non-economic damages in the amount of no less than  
2 \$7,000,000.00.  
3

4       5.2 Plaintiff DONALD S. MORRIS, III suffered the loss of companionship,  
5 services, and consortium of his father in the amount of no less than \$2,000,000.  
6

7       5.3 DONALD S. MORRIS, JR. incurred medical expenses in the amount of no  
8 less than \$500,000.00.  
9

10      5.4 Pursuant to ORS 31.725(2), Plaintiff does not request an award of punitive  
11 damages at this time, but Plaintiff reserves the right to seek leave to amend his complaint  
12 to request punitive damages in the future pursuant to Oregon law. Plaintiff anticipates that  
13 punitive damages claims will be asserted against the Defendant and may seek leave to  
14 amend the complaint in this matter to assert those claims at an appropriate time prior to  
trial.  
15

## **VI. PRAYER FOR RELIEF**

16      WHEREFORE, Plaintiff respectfully requests judgment against Defendant in an  
17 amount to be proven at the time of trial, together with Plaintiff's costs and disbursements  
18 incurred herein, and:  
19

20       (a) For DONALD S. MORRIS, JR.'s pain, suffering, interference with his  
21 enjoyment of life, disability, and death in the amount of no less than  
22 \$7,000,000;  
23  
24

- (b) For Plaintiff's loss of companionship, services, and consortium during the lifetime of decedent in the amount of no less than \$2,000,000;
  - (c) For DONALD S. MORRIS, JR.'s past medical expenses in the amount of \$500,000 or as amended prior to trial;
  - (d) Plaintiff's attorney fees; and
  - (d) For such other relief and further relief as the Court may deem just and equitable, including but not limited to prejudgment interest.

DATED this 6<sup>th</sup> day of February, 2020

Schroeter Goldmark & Bender

feiti n

Kaitlin T. Wright, OSB #191259  
SCHROETER, GOLDMARK & BENDER  
500 Central Building, 810 Third Avenue  
Seattle, WA 98104  
Phone (206) 622-8000  
Fax (206) 682-2305  
Email: [wright@sgb-law.com](mailto:wright@sgb-law.com)  
[sgbasbestos@sgb-law.com](mailto:sgbasbestos@sgb-law.com)  
Attorney for Plaintiff

**COMPLAINT FOR DAMAGES - 6**

**SCHROETER, GOLDFMARK & BENDER**  
500 Central Building • 810 Third Avenue • Seattle, WA 98104  
Phone (206) 622-8000 • Fax (206) 682-2305

**IN THE CURCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY**

DONALD S. MORRIS, III, as Personal  
Representative for the Estate of DONALD S.  
MORRIS, JR.,

Plaintiff,

vs.

KAISER GYPSUM COMPANY, INC.,

Defendant.

CASE No.

SUMMONS

TO: **KAISER GYPSUM COMPANY, INC.**  
**c/o CT Corporation System**  
780 Commercial St. Ste 100  
Salem, OR 97301-3465

**NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY!**

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal document called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at <http://www.oregonstatebar.org> or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.



SIGNATURE OF ATTORNEY/  
AUTHOR FOR PLAINTIFFS

**Kaitlin T. Wright OR Bar # 191259**  
ATTORNEY'S/AUTHOR'S NAME

**SCHROETER, GOLDMARK & BENDER**  
500 Central Building,  
810 Third Avenue Seattle, WA 98104  
Phone (206) 622-8000 • Fax (206) 682-2305

SUMMONS - 1

**SCHROETER, GOLDMARK & BENDER**  
500 Central Building • 810 Third Avenue • Seattle, WA 98104  
Phone (206) 622-8000 • Fax (206) 682-2305

STATE OF OREGON, County of Multnomah) ss

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above-entitled action.



---

ATTORNEY OF RECORD FOR PLAINTIFFS

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS:

You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual or other legal entity to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.



---

ATTORNEY FOR PLAINTIFFS

**Kaitlin T. Wright OR Bar # 191259**

ATTORNEY'S/AUTHOR'S NAME  
SCHROETER, GOLDMARK & BENDER  
500 Central Building,  
810 Third Avenue  
Seattle, WA 98104  
Phone (206) 622-8000  
Fax (206) 682-2305  
Email: [wright@sgb-law.com](mailto:wright@sgb-law.com)  
[sgbasbestos@sgb-law.com](mailto:sgbasbestos@sgb-law.com)

SUMMONS - 2

SCHROETER, GOLDMARK & BENDER  
500 Central Building • 810 Third Avenue • Seattle, WA 98104  
Phone (206) 622-8000 • Fax (206) 682-2305

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

**DONALD S. MORRIS, III, AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF DONALD S.  
MORRIS, JR.**

Plaintiff/Petitioner

vs.

**KAISER GYPSUM COMPANY, INC.**

Defendant/Respondent

Cause No.: **20CV06649**

Hearing Date:

**DECLARATION OF SERVICE OF  
SUMMONS; COMPLAINT FOR DAMAGES**

The undersigned hereby declares: That s/he is now and at all times herein mentioned was a resident of the State of North Carolina, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the **25th day of February, 2020** at **1:42 PM** at the address of **2626 GLENWOOD AVENUE, SUITE 550, RALEIGH, Wake, NC 27608**; this declarant served the above described documents upon **KAISER GYPSUM COMPANY, INC. c/o CORPORATION SERVICE COMPANY, REGISTERED AGENT**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **Heather Hughes , RECEPTIONIST , PERSON AUTHORIZED TO ACCEPT, who accepted service, with identity confirmed by subject stating their name, a white female approx. 45-55 years of age, weighing 160-180 lbs with brown hair..**

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Date: 02/25/2020



**Sherry Duncan**  
**112 Oregon Trail, Garner, NC 27529 919-321-7878**

REF: **Morris (Kaiser NC)**



ORIGINAL DECLARATION  
OF SERVICE

Tracking #: **0050686007 PDX FIL**



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

**DONALD S. MORRIS, III, AS PERSONAL  
REPRESENTATIVE FOR THE ESTATE OF DONALD S.  
MORRIS JR.**

Plaintiff/Petitioner

vs.

**KAISER GYPSUM COMPANY, INC.**

Defendant/Respondent

Cause No.: **20CV06649**

Hearing Date:

**DECLARATION OF SERVICE OF  
SUMMONS; COMPLAINT**

The undersigned hereby declares: That s/he is now and at all times herein mentioned was a resident of the State of Oregon, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the **11th day of February, 2020 at 3:04 PM** at the address of **Oregon Department of Justice, 1162 Court St. NE, SALEM, Marion, OR 97301-4096**; this declarant served the above described documents upon **KAISER GYPSUM COMPANY, INC. C/O Attorney General**, by then and there personally delivering **1** true and correct copy(ies) thereof, by then presenting to and leaving the same with **Cheryl Breitenbacher , PSR3 , PERSON AUTHORIZED TO ACCEPT, who accepted service, with identity confirmed by subject saying yes when named, a white female approx. 45-55 years of age, 5'4"-5'6" tall, weighing 120-140 lbs with gray hair.**

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Service Fee Total: **\$59.50**

Date: 02/11/2020



**Diana Boatwright  
33141 Geranium Lane, Tangent, OR 97389 541-979-3872**

REF: **Morris (OR Dept of Justice)**



ORIGINAL DECLARATION  
OF SERVICE

Tracking #: **0049974984 PDX FIL**



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

DONALD S. MORRIS, III, AS PERSONAL  
REPRESENTATIVE FOR THE ESTATE OF DONALD S.  
MORRIS, JR.

Plaintiff/Petitioner  
vs.  
KAISER GYPSUM COMPANY, INC.  
Defendant/Respondent

Cause No.: 20CV06649

DECLARATION OF MAILING OF  
SUMMONS; COMPLAINT

The undersigned hereby declares: that I, Laurice Averill, am a legal resident of the State of Oregon, over the age of 18, and not party to, nor interested in the within entitled action. My business address is 1050 SW 6th Ave #1100, Portland, OR 97204.

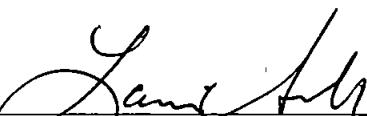
That on **February 12, 2020**, after personal service was made on **February 11, 2020** to **Rylynn Poole**, a **SERVICE OF PROCESS TECHNICIAN**, **PERSON AUTHORIZED TO ACCEPT**, who accepted service, with identity confirmed by subject saying yes when named, a white male approx. 35-45 years of age with blonde hair with glasses, I completed service by depositing a true copy of the **SUMMONS;COMPLAINT**, marked with confirmation of date, time, and place of personal service in the United States mail, by first class mail with proper postage attached.

That I addressed the envelope(s) as follows:

KAISER GYPSUM COMPANY, INC.  
c/o CT CORPORATION SYSTEM, REGISTERED AGENT  
780 COMMERCIAL ST SE SUITE 100  
SALEM, OR 97301-3465

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

I executed this declaration on February 12, 2020 at Portland, OR.

  
Declarant Laurice Averill, 1050 SW 6th Ave #1100, Portland, OR 97204. 503-727-3100.



Tracking #: 0049977749 PDX



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

DONALD S. MORRIS, III, AS PERSONAL  
REPRESENTATIVE FOR THE ESTATE OF DONALD S.  
MORRIS, JR.

Plaintiff/Petitioner  
vs.  
KAISER GYPSUM COMPANY, INC.  
Defendant/Respondent

Cause No.: 20CV06649

DECLARATION OF MAILING OF  
SUMMONS; COMPLAINT

The undersigned hereby declares: that I, Laurice Averill, am a legal resident of the State of Oregon, over the age of 18, and not party to, nor interested in the within entitled action. My business address is 1050 SW 6th Ave #1100, Portland, OR 97204.

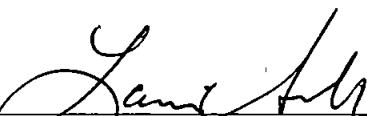
That on **February 12, 2020**, after personal service was made on **February 11, 2020** to **Rylynn Poole**, a **SERVICE OF PROCESS TECHNICIAN**, **PERSON AUTHORIZED TO ACCEPT**, who accepted service, with identity confirmed by subject saying yes when named, a white male approx. 35-45 years of age with blonde hair with glasses, I completed service by depositing a true copy of the **SUMMONS;COMPLAINT**, marked with confirmation of date, time, and place of personal service in the United States mail, by first class mail with proper postage attached.

That I addressed the envelope(s) as follows:

KAISER GYPSUM COMPANY, INC.  
c/o CT CORPORATION SYSTEM, REGISTERED AGENT  
780 COMMERCIAL ST SE SUITE 100  
SALEM, OR 97301-3465

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

I executed this declaration on February 12, 2020 at Portland, OR.

  
Declarant Laurice Averill, 1050 SW 6th Ave #1100, Portland, OR 97204. 503-727-3100.



Tracking #: 0049977749 PDX



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

**DONALD S. MORRIS, III, AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF DONALD S.  
MORRIS, JR.**

Plaintiff/Petitioner

vs.

**KAISER GYPSUM COMPANY, INC.**

Defendant/Respondent

Cause No.: **20CV06649**

Hearing Date:

**DECLARATION OF SERVICE OF  
SUMMONS; COMPLAINT FOR DAMAGES**

The undersigned hereby declares: That s/he is now and at all times herein mentioned was a resident of the State of North Carolina, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the **25th day of February, 2020** at **1:42 PM** at the address of **2626 GLENWOOD AVENUE, SUITE 550, RALEIGH, Wake, NC 27608**; this declarant served the above described documents upon **KAISER GYPSUM COMPANY, INC. c/o CORPORATION SERVICE COMPANY, REGISTERED AGENT**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **Heather Hughes , RECEPTIONIST , PERSON AUTHORIZED TO ACCEPT, who accepted service, with identity confirmed by subject stating their name, a white female approx. 45-55 years of age, weighing 160-180 lbs with brown hair..**

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

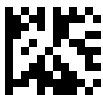
I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Date: 02/25/2020



**Sherry Duncan**  
**112 Oregon Trail, Garner, NC 27529 919-321-7878**

REF: **Morris (Kaiser NC)**



ORIGINAL DECLARATION  
OF SERVICE

Tracking #: **0050686007 PDX FIL**



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

DONALD S. MORRIS, III, AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF DONALD S.  
MORRIS, JR.

Cause No.: 20CV06649

Plaintiff/Petitioner

vs.

KAISER GYPSUM COMPANY, INC.

DECLARATION OF MAILING OF  
SUMMONS; COMPLAINT FOR DAMAGES

Defendant/Respondent

The undersigned hereby declares: that I, Laurice Averill, am a legal resident of the State of Oregon, over the age of 18, and not party to, nor interested in the within entitled action. My business address is 1050 SW 6th Ave #1100, Portland, OR 97204.

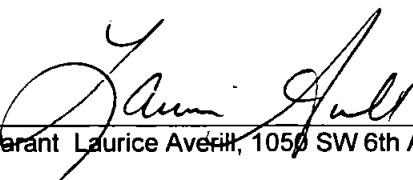
That on **February 25, 2020**, after personal service was made on **February 25, 2020** to **Heather Hughes**, a **RECEPTIONIST , PERSON AUTHORIZED TO ACCEPT**, who accepted service, with identity confirmed by subject stating their name, a white female approx. 45-55 years of age, weighing 160-180 lbs with brown hair, I completed service by depositing a true copy of the **SUMMONS;COMPLAINT FOR DAMAGES**, marked with confirmation of date, time, and place of personal service in the United States mail, by first class mail with proper postage attached.

That I addressed the envelope(s) as follows:

KAISER GYPSUM COMPANY, INC.  
c/o CORPORATION SERVICE COMPANY, REGISTERED AGENT  
2626 GLENWOOD AVENUE SUITE 550  
RALIEGH, NC 27608

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

I executed this declaration on February 25, 2020 at Portland, OR.

  
Declarant Laurice Averill, 1050 SW 6th Ave #1100, Portland, OR 97204. 503-727-3100.



Tracking #: 0050686005 PDX



**IN THE CURCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY**

DONALD S. MORRIS, III, as Personal  
Representative for the Estate of DONALD S.  
MORRIS, JR.,

Plaintiff,

vs.

KAISER GYPSUM COMPANY, INC.,

Defendant.

CASE No. 20CV06649

**SUMMONS**

TO: **KAISER GYPSUM COMPANY, INC.**  
**c/o CT Corporation System**  
780 Commercial St. Ste 100  
Salem, OR 97301-3465

**NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY!**

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal document called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at <http://www.oregonstatebar.org> or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.



SIGNATURE OF ATTORNEY/  
AUTHOR FOR PLAINTIFFS

**Kaitlin T. Wright OR Bar # 191259**  
ATTORNEY'S/AUTHOR'S NAME

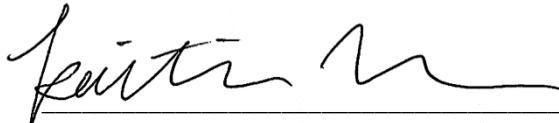
**SCHROETER, GOLDMARK & BENDER**  
500 Central Building,  
810 Third Avenue Seattle, WA 98104  
Phone (206) 622-8000 • Fax (206) 682-2305

SUMMONS - 1

**SCHROETER, GOLDMARK & BENDER**  
500 Central Building • 810 Third Avenue • Seattle, WA 98104  
Phone (206) 622-8000 • Fax (206) 682-2305

STATE OF OREGON, County of Multnomah) ss

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above-entitled action.



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ATTORNEY OF RECORD FOR PLAINTIFFS

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS:

You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual or other legal entity to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.



---

ATTORNEY FOR PLAINTIFFS

**Kaitlin T. Wright OR Bar # 191259**

ATTORNEY'S/AUTHOR'S NAME  
SCHROETER, GOLDMARK & BENDER  
500 Central Building,  
810 Third Avenue  
Seattle, WA 98104  
Phone (206) 622-8000  
Fax (206) 682-2305  
Email: [wright@sgb-law.com](mailto:wright@sgb-law.com)  
[sgbasbestos@sgb-law.com](mailto:sgbasbestos@sgb-law.com)

SUMMONS - 2

SCHROETER, GOLDMARK & BENDER  
500 Central Building • 810 Third Avenue • Seattle, WA 98104  
Phone (206) 622-8000 • Fax (206) 682-2305